

ESTTA Tracking number: **ESTTA236735**

Filing date: **09/15/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	GENERIC'S BIDCO I, LLC
Granted to Date of previous extension	09/17/2008
Address	130 Vintage Drive Huntsville, AL 35811 UNITED STATES
Attorney information	Frank M. Caprio, D. Pharr, J. Peterson Bradley Arant Rose & White LLP 200 Clinton Avenue West, Suite 900 Huntsville, AL 35801 UNITED STATES fcaprio@bradleyarant.com, wbabcock@bradleyarant.com, dpharr@bradleyarant.com, jpeterson@bradleyarant.com Phone:256-517-5100

Applicant Information

Application No	77320798	Publication date	05/20/2008
Opposition Filing Date	09/15/2008	Opposition Period Ends	09/17/2008
Applicant	Knowledge Share 860 Arroyo Road Los Altos, CA 94024 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical Preparations for the Topical Treatment of Dermatological Disorders
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2595594	Application Date	08/24/2000
Registration Date	07/16/2002	Foreign Priority Date	NONE
Word Mark	SULFAZINE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2002/01/16 First Use In Commerce: 2002/01/16 pharmaceutical preparation of Sulfasalazine used as an anti-inflammatory and an immunomodulatory agent

Attachments	76116106#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (5 pages)(91250 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David K. Pharr/
Name	Frank M. Caprio, D. Pharr, J. Peterson
Date	09/15/2008

3. Since at least as early as January 16, 2002, Opposer and/or the assignor of the trademark SULFAZINE to Opposer have used the trademark SULFAZINE in connection with the pharmaceutical preparation of Sulfasalazine used as an anti-inflammatory and an immunomodulatory agent.

4. Prior to assigning the SULFAZINE trademark to Opposer on October 31, 2007 (which assignment was recorded on May 29, 2008), Qualitest Pharmaceuticals, Inc., an Alabama corporation having its principal place of business at 130 Vintage Drive, Huntsville, Alabama 35811, applied for registration of the SULFAZINE mark on August 24, 2000, and the mark obtained registration (Registration No. 2,595,594) effective on July 16, 2002.

5. On November 3, 2007, Applicant filed an application to register the trademark SULFASONE, Serial No. 77/320,798, for use in connection with Applicant's goods and/or services. Notably, this application was amended (by a mere one-word addition in the description of the goods) on April 12, 2008, as a result of a February 20, 2008 Office Action, which refused registration because Applicant's mark so resembled Opposer's mark as to be likely to cause confusion or mistake, or to deceive.

6. Even after this amendment, the Opposer's and Applicant's marks are likely to be confused. The sight and sound of the marks are similar. Additionally, the marks are used in connection with similar goods and thus could have overlapping channels of trade.

7. Significant resources have been expended in efforts to develop, promote, and/or advertise Opposer's mark, and the goodwill in Opposer's mark will be harmed by Applicant's intended use of the mark identified in Serial No. 77/320,798.

8. Based on the likelihood of confusion and the prior use of Opposer's mark, Applicant's mark should be refused registration.

Therefore, Opposer respectfully requests that this opposition be sustained, and application Serial No. 77/320,798 for the trademark SULFASONE sought by Applicant be refused.

The Application is in one (1) International Class, and the Commissioner is authorized to charge a total fee of \$300.00 under 37 C.F.R. § 2.6(a)(17), as well as any additional required fees, to Deposit Account Number 50-4293, in the name of Bradley Arant Rose & White, LLP.

Respectfully submitted,



Frank M. Caprio
David K. Pharr
Justin J. Peterson
*Counsel for Opposer, Generics
Bidco I, LLC*

BRADLEY ARANT ROSE &
WHITE, LLP
200 Clinton Avenue, Suite 900
Huntsville, Alabama 35801
Phone: (256) 517-5100
Fax: (256) 517-5200
fcaprio@bradleyarant.com

BRADLEY ARANT ROSE &
WHITE, LLP
188 E. Capitol Street, Suite 450
Jackson, MS 39201
Phone: (601) 948-8000
Fax: (601) 948-3000
dpharr@bradleyarant.com
jpeterson@bradleyarant.com


cc: Generics Bidco I, LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2008, I caused the foregoing **NOTICE OF OPPOSITION** to be served by United States mail, postage prepaid, in an envelope addressed to:

Joseph I. Hirsch, Esq.
4149 Georgia Ave
Palo Alto, CA 94306
Phone: (650) 493-9169
Fax: (650) 493-0337
jihirschpa@earthlink.net

*Attorney of Record for
Knowledge Share*

By:  _____